Before the

Federal Communications Commission
Washington, D.C.

In the Matter of:

Amendment of the Commission's Rules Regarding Dedicated Short-Range Communications Services in the 5.859-5.925 GHz Band (5.9 GHz Band)
WT Docket No. 01-90

Amendment of Parts 2 and 90 of the Commission's Rules to Allocate the 5.850-5.925 GHz Band to the Mobile Service for Dedicated Short Range Communications of Intelligent Transportation Services
ET Docket No. 98-95 / RM 9096

To the Commission:

COMMENTS OF THE MAINE TURNPIKE AUTHORITY

The Maine Turnpike Authority hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking and Order, FCC 02-302, released November 15, 2002, in the above referenced matter concerning the establishment of Dedicated Short-Range Communication ("DSRC") services in the 5.850-5.925 GHz band.

I. Introduction

The Maine Turnpike Authority (MTA) began operation in 1947 and is one of the oldest toll authorities in the nation. The Maine Turnpike runs from Kittery, Maine in the south, to Augusta, Maine, at it's northern terminus. The MTA instituted electronic toll collection (ETC) on the highway in 1997, and was one of the first toll authorities in the northeastern United States to do so. In 2002, the MTA joined the E-Z Pass Interagency Group (IAG), which is a regional consortium of 21 public transportation agencies spanning ten northeastern states committed to offering a fully interoperable electronic toll collection system. The MTA is currently undergoing a transition from its previous ETC system to a system that will be compatible with the other toll systems in the IAG, allowing MTA patrons to use their tags in any member state. This transition to "E-Z Pass" technology, which currently operates in the 909-928 MHz Band under Subpart M of Part 90 of the Commission's Rules, is expected to be complete in the fall of 2004.

II. Common Standards

The MTA believes that a nationwide communications standard should be adopted for Intelligent Transportation Services (ITS) in the 5.9 GHz band, for the following reasons:

A. Interoperability: A nationwide standard would promote interoperability between agencies and decrease the cost of developing and implementing new ITS applications due to economies of scale.

B. OBUs: The adoption of a new standard would also lead to automobile manufacturers to install On-Board Units (OBUs) directly into new vehicles, eventually eliminating the cost and waste involved when toll agencies purchase and distribute millions of ETC "tags."

C. Safety: A nationwide standard would also facilitate safety and homeland security applications by ensuring that the channel was not obstructed by a non-compliant system during an emergency.

III. Licensing Requirements

The FCC has invited comments on whether licensing in the 5.9 GHz band should be done geographically or by site and on whether OBUs should be licensed at all, and if so, how. The MTA's comments on these and other licensing issues is as follows:

A. Site Licensing: The MTA believes that Roadside Units (RSUs) should be generally licensed by site, rather than geographically. This would minimize interference conditions. However, because toll agencies are responsible for a large number of facilities across significant distances, the Commission should continue to allow a toll agency to obtain a "corridor" license encompassing all of its activities.

B. OBU Licensing: OBUs associated with a fixed system, such as an ETC system, should be licensed as they are licensed today in the 915 MHz band, meaning that the OBU license should be based on the corresponding RSU license. OBUs should be licensed by rule, rather than licensed individually or allowed to operate without a license, because a license by rule allows for the adoption of universal standards of operation.

C. Current Licensing: The licensing of toll operations in the 900 MHz band should continue. This will allow for a gradual, voluntary transition to technology that operates in the 5.9 GHz band.

IV. Non-Public Safety Use

The MTA believes that while public safety use by governmental entities should be given priority, private use of some channels in the 5.9 GHz band should be allowed.

A. Wider Use: A Wide use of Dedicated Short-Range Communication (DSRC) services in this band will increase the likelihood that OBUs will be installed

directly into vehicles by the manufacturer. This would decrease the cost of ITS systems and at the same time increase the effectiveness of those systems.

B. Interference: Licensing should generally be the same for public and private uses. The exception to this is the situation where a private entity's proposed or actual DSRC use creates an interference condition within the service area of a public safety entity. In this situation the private entity's use should be classified as a secondary use and that private entity should be required to make any and all changes necessary to eliminate the interference condition.

V. Definition of Public Safety ITS

Eligibility requirements for licensing in the 5.9 GHz band should ensure priority for governmental entities that perform a "public safety" function. The MTA believes that the Commission's definition of "public safety" for the purposes of this rule should mirror the definition found in Section 309 (j)(2) of the Communications Act.[1] The MTA believes that ETC systems fall squarely within that definition because ETC systems promote efficient movement of traffic through congested areas, decreasing the likelihood that accidents will occur. ETC technology can also be used to monitor traffic flow and provide early detection and notification in the event of an accident.

Respectfully Submitted On Behalf of the
Maine Turnpike Authority,

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[1] 47 U.S.C. 309(j)(2): "The competitive bidding authority granted by this subsection shall not apply to licenses or construction permits issued by the Commission--**(A)** for public safety radio services, including private internal radio services used by State and local governments and non-government entities and including emergency road services provided by not-for-profit organizations, that--**(i)** are used to protect the safety of life, health, or property; and **(ii)** are not made commercially available to the public...."